

CITY OF HAYWARD AGENDA REPORT

Meeting Date 09/09/04
Agenda Item 3

TO: Planning Commission

FROM: Erik J. Pearson, AICP, Associate Planner

SUBJECT: Site Plan Review No. PL-2004-0289; Administrative Use Permit No. PL-2004-0290 & Variance No. PL-2004-0291 – Request to Construct a Mixed-Use Building with Ground-Floor Retail and Two Second-Floor Condominiums and a Remote Parking Lot – Sanjiv Bhandari for BKBC Architects, Inc. (Applicant)/ Dr. Dharam Salwan (Owner)

The property is located at 22605 Second Street, at the corner of B Street, and 22645 Second Street, in a Central City-Commercial (CC-C) Zoning District

RECOMMENDATION

Staff recommends that the Planning Commission:

1. Adopt the Initial Study, Mitigated Negative Declaration and Mitigation Monitoring Plan prepared pursuant to the California Environmental Quality Act (CEQA) guidelines;
2. Approve the site plan review application, including the addition of a third dwelling unit, subject to the attached findings and conditions;
3. Deny the administrative use permit and variance applications for the remote parking lot subject to the attached findings.

BACKGROUND

On July 26, 2001, the Planning Commission reviewed a project for this site that included a 9,700-square-foot building with retail space on the ground floor and office space on the second floor. The project was required to have 31 parking spaces and only 8 were proposed on the site. The applicant had proposed making payments in-lieu of providing 23 spaces. The Planning Commission and members of the public raised concerns that there would not be enough parking to serve the building. The Commission voted (6-1-0) to continue the project to allow time for the availability of parking in the area to be studied further. A parking study was not submitted in a timely manner and the application was closed on July 16, 2002.

In November 2002, the applicant submitted a new application for an 8,812-square-foot building with 2,500 square feet of retail space on the ground floor and three condominiums. A parking study documenting the availability of parking in the vicinity of the project was submitted with that application. Staff recommended approval of this project and in December 2003, the Planning

Commission approved the project (5:1 with 1 abstention) requiring the applicant to make payments in-lieu of providing five of the eight required parking spaces. The neighboring First United Methodist Church and another neighboring property owner objected to the project citing existing parking problems in the area. The church also opposed the project because access was not provided to their rear gate, the building was too large and their signage would be blocked. The church appealed the project to the City Council and the Council denied the project (7:0) in January 2004.

DISCUSSION

On May 25, 2004, the owner submitted a new application requesting to build a 6,600 square foot mixed-use building with 2,100 square feet of retail space on the ground floor and two condominiums on the second floor, each with approximately 1,600 square feet of living area. Each condominium has three bedrooms, two full bathrooms and separate living and family rooms. Each condominium would have a private entry from the 2,067 square-foot rear yard and a 64 square-foot balcony over-looking the rear yard. The rear yard would also be accessible from B Street. Staff is recommending this door be a wooden door to differentiate it from the metal and glass storefront doors. Each unit would have direct access from a garage. An exterior closet on the southwest corner of the building would provide for the storage of trash and recycling bins. Each tenant or owner would have separate containers, all of which would be rolled to the street for collection.

The building is designed in a contemporary architectural style. Large windows along Second Street and B Street highlight the retail spaces. A tower element would compliment the tall entry feature on the commercial building on the northwest corner of the street intersection. Columns provide a prominent vertical element on the building. To add some relief to the relatively straight cornice, staff is recommending a decorative cap be added to the tops of the columns. A horizontal band between floors provides for tenant wall signs. Awnings have been eliminated from the storefront windows on Second Street and both entries are now recessed to create a covered entry element. In staff's opinion, awnings over the storefront windows would help to carry the retail presence from B Street around the corner. In addition, using projecting or "blade" signs would make it more obvious to pedestrians on B Street that there is retail space on Second Street. There are three street trees on Second Street and they would all be protected in place. The developer would be required to add more street trees as well as landscaping throughout the parking lot and rear yard area.

The formation of a homeowners/commercial association for the two units and for the retail owner(s) and the creation of Conditions, Covenants, and Restrictions (CC&R's) would be required to cover the maintenance of the parking area and common area landscaping. The common area landscaping includes landscaping around the parking lot as well as the rear yard area.

The General Plan designation for the property is Retail and Office Commercial (ROC), where mixed retail and office uses are encouraged. The property is located in a Central City-Commercial (CC-C) Zoning District, which allows residential dwelling units as a primary use when located above a first floor commercial use. The Downtown Design Plan allows residential densities up to 65 units per acre. The proposal for two units on the 9,755 square foot lot would

have a density of approximately 8.9 units per acre. No parcel map is required as part of the application as any condominium project with four or fewer units is exempt from City and State subdivision requirements.

Although the Downtown Design Plan recommends a 4-foot setback, the mixed-use building is proposed with no setback from the Second Street and B Street property lines. In staff's opinion, the building would continue an established and desired street pattern along B Street where pedestrian activity is encouraged. Although parts of the building would have no setback, the building has considerable relief along the property lines. The building would have storefront windows setback 1 foot and the entry on Second Street would be setback 3 feet from the property line. The windows and doors in the area of the corner would be setback 4 to 6 feet from the property line. Furthermore, the exception may be supported because development of the property is constrained by its small size (9,755 square feet) and narrow width (less than 50 feet) and locating the building closer to Second Street would minimize impacts to the church. In June 2003, the Commission approved a similar exception for a commercial building on Main Street at Hotel Avenue. The exception requested is also similar to the one granted by the Planning Commission in December 2003 for the previous proposal for this site.

The church commented that the previous building proposed was too tall. The applicant has submitted a diagram (Exhibit G) showing the height of the proposed building relative to the surrounding buildings. The property is located on the southwest corner of B Street and Second Street. On the northwest and northeast corners are commercial buildings with retail and office uses. On the southeast corner is an apartment building. Adjacent to the site to the west is the First United Methodist Church and to the south is a single-family residence. The proposed building would be 26 feet, 6 inches tall, while the previously proposed building was 28 feet tall. The proposed building would be approximately 6 inches lower than the nearest peak of the church roof and approximately 14 feet lower than the churches tallest roof peak. The church was also concerned that the proposal would block light and air to the church building. The applicant's photo-simulation (Exhibit H) and the site plan show that there would be substantial space between the proposed building and the church building. There is no requirement for any setback along the common property line.

The City Council commented that the previous building proposed was too large for the site and suggested adding more parking. The building has been reduced from 8,812 square feet to 6,600 square feet with less retail space and only two rather than three condominiums are proposed on the second floor. Also, the on-site parking lot has been expanded from three spaces to five spaces.

If children live in the condominiums, they would attend Markham Elementary School (0.44 students), Bret Harte Intermediate School (0.08 students) and Hayward High School (0.14 students). When the General Plan was adopted, the Hayward Unified School District determined that these numbers of children could be accommodated at these schools.

Parking & Transportation

Each condominium has a tandem two-car garage, which more than satisfies the minimum requirement of one and one-half parking spaces per unit. The project is located within the Central Parking District where the Planning Director may permit tandem parking when both spaces are assigned to the same dwelling unit and are enclosed within a garage. There have been numerous other projects approved downtown with tandem parking and in this case, the tandem garages are justified in part due to the small, narrow lot size. Seven parking spaces are required for the 2,100 square foot retail area and five open parking spaces are proposed on site.

An additional three parking spaces are proposed at 22645 Second Street. Section 10-2.402 of the City's Off-Street Parking Regulations allows parking spaces to be located on a separate parcel with the issuance of an administrative use permit. The satellite parking lot would be approximately 200 feet from the retail spaces. Staff is recommending against the establishment of this auxiliary parking area because a better use of the vacant parcel would be to become part of a larger development when other adjacent parcels are redeveloped. There is one single-family residence located between the two proposed parking areas. The parcel containing the residence is too small to be developed on its own and the lot proposed for use as a separate parking lot would be an ideal lot to merge with to create a more feasible commercial site. Development of the satellite lot could also impede other future development of the surrounding properties. Furthermore, there is sufficient public parking within walking distance (200 feet) of the project.

Another reason the administrative use permit is not supported by staff is that two variances would be necessary to develop the parking lot. First, a variance would be required to locate the driveway of the lot 2 feet, 6 inches from the rear property line where 5 feet is required. A variance is also required to allow 18-foot deep parking spaces where 19 feet is required. There are no special circumstances about the property that justify the variances.

There is a bus stop located directly across Second Street, which is served by AC Transit bus route numbers 80, 92, 94 and 95 – all of which serve the Hayward BART station and route 92 serves California State University Hayward. The project site is also approximately one half-mile from the Hayward BART station.

Although the previous project was also deficient of on-site parking spaces, the applicant had agreed to make in-lieu payments to compensate for the deficiency. The applicant had prepared a professional parking analysis documenting that there would be sufficient parking in the area. The site is a good downtown location for retail space on B Street and could accommodate a more intense development. Due to the size and shape of the property, the project cannot easily provide all the required parking. This is the type of location and property for which the parking in-lieu payment program was established.

Public Notice

On May 27, 2004, an Official Notice was sent to every property owner and occupant within 300 feet of the subject site, as noted on the latest assessor's records. Notice was also provided to the

Chamber of Commerce, the Downtown Business Improvement Advisory Board, the Hayward Area Planning Association and the Upper "B" Street Neighborhood Task Force.

A letter was received from Lupe Compean, owner of property at the northwest corner of B Street and Second Street, raising concern about the adequacy of parking. Ms. Compean requested information about the satellite parking lot. Staff sent a copy of the site plan to Ms. Compean and received no response.

A letter was also received from the First United Methodist Church raising the following concerns:

- "The current plans still do not address the issue of access to our back gate. We use this gate on a very regular basis and there is no other access for vehicles to enter the rear of our property."

The project is not designed with access to the gate, which the church has used in the past to access a storage room at the rear of the building and for repair trucks to service the church's furnace and water heater equipment. The church does not have an easement to guarantee access through the applicant's property. The church could explore other the options of obtaining vehicular access to their rear yard via properties to the south or west, although the church has constructed a wooden fence along these property lines. There is pedestrian access to the rear of the church property provided by a courtyard which has an entrance on B Street. Finally, the City does not have the authority to compel this property owner to provide access to the church.

- "The lighted signage located on the northeast corner of our building would have to be relocated. Any change in the signage would come at a financial cost to the church and would decrease our visibility to the community."

The proposed building would block the signage from view. Although the sign was installed with permits (in two parts – in 1990 and 1994), it is nonconforming as the Sign Ordinance only allows signs with frontage to a street, parking lot or other public space. The church has sufficient signage on B Street that would still be visible.

- "We are grateful that Phase I and Phase II environmental studies were carried out and we support the recommendation that the underground tanks and potentially harmful materials be removed prior to any construction on the site. We require assurances that any such removal would be done in a safe manner that would not impair the health of our members."

There may be underground equipment on the site left by the former Kelly Gasoline Station, which closed sometime between 1959 and 1969. Phase 1 and Phase 2 reports have been prepared and reviewed by the Hazardous Materials Division of the Hayward Fire Department. It has been made a condition of approval that any structures remaining underground shall be removed to the satisfaction of the Hayward Fire Department prior to construction.

- “Adequate parking remains a serious issue. While studies conducted by the City may show that there is available parking in the area on a normal weekday, our experience has been that parking for special events, such as last year’s 150th Anniversary Celebration, is severely inadequate without the space provided by the current lot.”

The church has been paying the property owner for the right to park only two cars on the subject property on a month-to-month agreement. The professional parking analysis submitted with the previous proposal surveyed nearby parking areas during weekday and weekend time periods and indicated that the loss of the two parking spaces could easily be absorbed by other parking facilities in the area. It is expected that special events will put a strain on parking availability. At these times, it is also expected that the attendees would park further away with the church possibly providing shuttles. Finally, the City cannot compel the property owner to provide parking for the church.

On August 13, 2004, a Notice of Public Hearing for the Planning Commission meeting was mailed. In addition, a public notice sign was placed at the site prior to the Public Hearing to notify neighbors and interested parties residing outside the 300-foot radius.

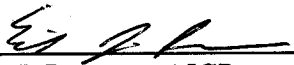
Comparison of Current Proposal to Previous Proposal

While staff supports the current proposal, it is staff’s opinion that the previous project better met the intent of the Zoning Ordinance, the General Plan and the Downtown Design Plan. The previous project was larger, had more retail space and had one additional residential condominium. The Downtown Design Plan allows up to 65 dwelling units per acre. The previous proposal had a density of 13 units per acre and the current proposal has only 8 units per acre. The Housing Element of the City’s General Plan includes policies that encourage high-density residential development downtown. Staff is recommending that the project be approved with three dwelling units on the upper level to achieve a density of 13 units per acre. A third tandem garage would be necessary, which would result in the loss of two of the five open parking spaces. Because seven spaces are required for the retail space, in-lieu payments would be required for four spaces. With the additional garage on the ground floor, the upper level would have approximately 3,600 square feet for the three units, or 1,200 square feet per unit. A recent survey of downtown residents revealed that downtown households have an average of 2.24 people, while the city-wide average household size is 3.08 persons. Given these statistics, it may be more appropriate to provide three condominiums with two bedrooms each.

CONCLUSION


The proposed project is consistent with the City’s Design Guidelines and the Downtown Design Plan. The proposal would create an attractive, mixed-use project that will improve the appearance of this corner lot and would bring needed housing to downtown. Staff recommends that the Planning Commission approve the proposal.

Prepared by:



Erik J. Pearson, AICP
Associate Planner

Recommended by:



Dyana Anderly, AICP
Planning Manager

Attachments:

- A. Area & Zoning Map
- B. Findings for Approval of Site Plan Review
- C. Findings for Denial of Administrative Use Permit and Variance Applications
- D. Conditions of Approval for Site Plan Review Application
- E. Initial Study, Mitigated Negative Declaration and Mitigation Monitoring Plan
- F. Letters from Neighbors
- G. Height Diagram
- H. Photosimulation
Plans



**CITY OF HAYWARD
PLANNING DIVISION
SITE PLAN REVIEW APPROVAL**

September 2, 2004

Site Plan Review No. PL-2004-0289: Request to Construct a Mixed-Use Building with Ground-Floor Retail and Two Second-Floor Condominiums – Sanjiv Bhandari for BKBC Architects, Inc. (Applicant)/ Dr. Dharam Salwan (Owner)

The property is located at 22605 Second Street, at the corner of B Street, in a Central City-Commercial (CC-C) Zoning District

Findings for Approval:

- A. That approval of Site Plan Review Application No. PL-2004-0289, Administrative Use Permit Application No. PL-2004-0290 and Variance Application No. PL-2004-0291, as conditioned, will not cause a significant impact on the environment as documented in the Initial Study. A Mitigated Negative Declaration has been prepared per the California Environmental Quality Act Guidelines.

Site Plan Review

- B. The development is compatible with on-site and surrounding structures and uses and is an attractive addition to the City in that the proposal continues the storefront street pattern existing along B Street.
- C. The development takes into consideration physical and environmental constraints in that the building is well designed given the size and shape of the parcel and that any underground equipment and/or hazardous materials will be required to be disposed of to the satisfaction of the Hayward Fire Department.
- D. The development complies with the intent of City development policies and regulations including, but not limited to the Zoning Ordinance, the City's Design Guidelines and the Downtown Design Plan.
- E. The development will be operated in a manner determined to be acceptable and compatible with surrounding development in that retail and residential use of the property is expected to have few if any external impacts.

ATTACHMENT B

**CITY OF HAYWARD
PLANNING DIVISION
ADMINISTRATIVE USE PERMIT
& VARIANCE
FINDINGS FOR DENIAL**

September 2, 2004

Administrative Use Permit No. PL-2004-0290 & Variance No. PL-2004-0291: Request for a Remote Parking Lot – Sanjiv Bhandari for BKBC Architects, Inc. (Applicant)/ Dr. Dharam Salwan (Owner)

The property is located at 22645 Second Street, in a Central City-Commercial (CC-C) Zoning District

Administrative Use Permit

- A. The building for which the off-site parking is requested will have the main entrance located within 500 feet along a traversable pedestrian route from the farthest proposed parking space.
- B. There is a useable pedestrian route along Second Street between the parking and the structure to be served.
- C. The adjacent or nearby properties would be adversely affected relative to parking in that the development of a parking lot would prevent the area from being developed to its fullest potential.
- D. The proposed traffic circulation would be detrimental to the health, safety, and welfare of residents residing or working in or adjacent to the parking in that the adjacent single-family residence would have parking lots generating noise on each side of the house.

Variances

- E. There are no special circumstances applicable to the property including size, shape, topography, location, or surroundings, or other physical constraints.
- F. Strict application of the Zoning Ordinance would not deprive such property of privileges enjoyed by other property in the vicinity under the same zoning classification in that there are no other similar parking lots approved with variances.
- G. The variances would constitute a grant of a special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the property is situated. The subject lot and other small lots in the area are encouraged to be combined with other parcels to make them more suitable for commercial development.

ATTACHMENT C

**CITY OF HAYWARD
PLANNING DIVISION
SITE PLAN REVIEW APPROVAL**

September 2, 2004

Site Plan Review No. PL-2004-0289: Request to Construct a Mixed-Use Building with Ground-Floor Retail and Two Second-Floor Condominiums– Sanjiv Bhandari for BKBC Architects, Inc. (Applicant)/ Dr. Dharam Salwan (Owner)

The property is located at 22605 Second Street, at the corner of B Street, in a Central City-Commercial (CC-C) Zoning District

CONDITIONS OF APPROVAL:

1. Site Plan Review Application No. PL-2004-0289 is approved subject to the plans labeled Exhibit "A" and the conditions listed below. This permit becomes void one year after the effective date of approval, unless prior to that time a building permit application has been submitted and accepted for processing by the Building Official, or a time extension of this application is approved. A request for a one-year extension, approval of which is not guaranteed, must be submitted to the Planning Division at least 15 days prior to the above date.
2. If a building permit is issued for construction of improvements authorized by the site plan review and variance approvals, said approvals shall be void two years after issuance of the building permit, or three years after approval of the application, whichever is later, unless the construction authorized by the building permit has been substantially completed or substantial sums have been expended in reliance upon the site plan review and variance approvals.
3. The permittee shall assume the defense of and shall pay on behalf of and hold harmless the City, its officers, employees, volunteers and agents from and against any or all loss, liability, expense, claim costs, suits and damages of every kind, nature and description directly or indirectly arising from the performance and action of this permit.
4. Any proposal for alterations to the proposed site plan and/or design, which does not require a variance to any zoning code, must be approved by the Planning Director prior to implementation.
5. Prior to application for a Building Permit, the following changes shall be made to the plans:
 - a) A copy of these conditions of approval shall be included on a full-sized sheet(s) in the plan set.
 - b) Plans shall be revised to include a third garage on the ground level and a third condominium on the upper level.

ATTACHMENT D

- c) Show that an exterior hose bib will be provided in the rear yard area.
 - d) The plans shall show that pavement at the driveway entry will be enhanced by the use of decorative pavement materials such as colored, stamped concrete (bomanite or equal), brick, concrete interlocking pavers or other approved materials. The location, design and materials shall be approved by the Planning Director.
 - e) Mailboxes shall be included on the plans and should be integrated into the building.
 - f) A lighting plan prepared by a qualified illumination engineer shall be included to show exterior lighting design. Exterior lighting shall be erected and maintained so that adequate lighting is provided in all common areas. The Planning Director shall approve the design and location of lighting fixtures, which shall reflect the architectural style of the building. Exterior lighting shall be shielded and deflected away from neighboring properties and from windows of the building.
 - g) Grading and improvement plans shall be submitted for approval by the Planning Director.
 - h) Plans shall show that all utilities will be installed underground.
 - i) A decorative cap shall be added to the tops of the columns on all elevations.
 - j) The door facing B. Street providing access to the rear yard shall be a wooden material to be approved by the Planning Director.
6. Prior to issuance of a Building Permit:
- (a) Documentation including, but not limited to Covenants, Codes and Restrictions shall be recorded to establish the living units and the retail space(s) as condominiums.
 - (b) Any underground structures must be removed to the satisfaction of the Hayward Fire Department and final approval of the Phase 1 and Phase 2 reports shall be obtained. The applicant may contact Hugh Murphy, Hazardous Materials Coordinator, at (510)-583-4924 for additional information.
 - (c) Submit and obtain approval for a sign program for the identification of the retail tenants. The sign program shall include details for projecting signs.
 - (d) The developer shall submit a soils investigation report to the satisfaction of the City Engineer.
 - (e) The developer shall make payment to the City of in-lieu parking fees (\$33,395 per space) for each parking space the project is deficient.
7. Grading and construction shall be limited to the hours between 7:00 a.m. and 7:00 p.m. Monday through Saturday. No work shall be done on Sundays or national holidays.

8. The applicant or homeowners/commercial association shall maintain in good repair all fencing, parking and street surfaces, common landscaping, lighting, trash enclosures, drainage facilities, project signs, exterior building elevations, etc. The CC&Rs shall include provisions as to a reasonable time period that the building shall be repainted, the limitations of work (modifications) allowed on the exterior of the buildings, and its power to review changes proposed on a building exterior and its color scheme, and the right of the homeowners association to have necessary work done and to place a lien upon the property if maintenance and repair of the unit is not executed within a specified time frame. The premises shall be kept clean. Any graffiti painted on the property shall be painted out or removed within 10 days of occurrence.
9. Any satellite dishes shall be located as near as possible to the center of the roof to limit visibility from the ground.
10. The garage of each unit shall be maintained for parking and shall not be converted to living or storage areas. An automatic garage door opening mechanism shall be provided for all garage doors. This requirement shall be incorporated into the CC&Rs.
11. The open parking spaces shall not be used by residents of the condominiums nor commercial tenant employees during hours that the retail businesses are open. The residents shall not use the open parking spaces for storage of recreational vehicles, camper shells, boats or trailers. These spaces shall be monitored by the homeowners/commercial association. The homeowners/commercial association shall remove vehicles parked contrary to this provision. The developer shall include in the CC&Rs authority to tow illegally-parked vehicles.
12. The developer shall ensure that unpaved construction areas are sprinkled with water as necessary to reduce dust generation. Construction equipment shall be maintained and operated in such a way as to minimize exhaust emissions. If construction activity is postponed, graded or vacant land shall immediately be revegetated.
13. Utilities, meters, and mechanical equipment when not enclosed in a cabinet, shall be screened by either plant materials or decorative screen so that they are not visible from the street. Sufficient access for reading must be provided to meters.
14. Any transformer shall be located underground or screened from view by landscaping and shall be located outside any front or side street yard.
15. Prior to final inspection all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the Planning Director.

Landscaping:

16. Prior to the approval of improvement plans, or issuance of the first building permit, detailed landscaping and irrigation plans shall be prepared by a licensed landscape architect and submitted for review and approval by the City. Landscaping and irrigation plans shall comply with the City's Water Efficient Landscape Ordinance. All area that is not part of the required driveway or parking should be landscaped.
17. Landscaped areas adjoining drives and/or parking areas shall be separated by a 6" high class "B" Portland Cement concrete curb. All areas not required for driveway and parking should be landscaped.

18. Landscape plans shall specify site amenities such as, benches, tables, fencing, play equipment and barbecues, for the common open space area.
19. One 24" box street tree is required for every 20 – 40 lineal feet of frontage. Spacing of the trees is dependant on the species of trees. Smaller trees will require closer spacing. Trees shall be planted to fill vacancies in the street tree pattern, and to replace any declining or dead trees. Trees shall be planted according to the most current City Standard Detail SD-122.
20. Parking lots shall include one 15-gallon tree for every six parking stalls and an endcap tree on each end of each row of parking. Parking lot trees shall be planted in tree wells or landscape medians or islands located within the parking area. All tree wells, islands and medians shall be a minimum of 5' wide measured inside the curbs. Parking and loading areas shall be screened from the street with shrubs, or masonry walls, as determined by the Planning Director. Where shrubs are used for screening, the type and spacing of shrubs shall create a continuous 30" high hedge within two years. This measurement shall be from the top of curb.
21. A landscape buffer including shrubs and one 15-gallon evergreen tree for every 20 lineal feet of property line shall be planted to screen this use from the south and west sides.
22. The existing trees (including street trees) shall be preserved in accordance with the Tree Preservation Ordinance. Prior to the commencement of clearing and grading operations, all trees to be preserved or removed shall be indicated on the grading, site and landscape plans, and trees to remain in place shall be noted and provided with tree protection measures in compliance with City codes. A tree removal permit is required prior to the removal of any tree. Replacement trees shall be required for any trees removed, as determined by the City Landscape Architect.
23. All street trees shall have grates installed to the satisfaction of the City Engineer and the City Landscape Architect.
24. Landscape improvements shall be installed according to the approved plans and a Certificate of Substantial Completion, and an Irrigation Schedule shall be submitted prior to the issuance of a Certificate of Occupancy.
25. Grading and improvement plans shall include tree preservation and protection measures, as required by the City Landscape Architect. Trees shall be fenced at the drip line to the extent possible throughout the construction period and shall be maintained in a healthy condition throughout the construction period.
26. Park Dedication In-Lieu Fees are required for each new dwelling unit. Fees shall be those in effect at the time of issuance of the building permit.
27. Landscaping shall be maintained in a healthy, weed-free condition at all times. The owner's representative shall inspect the landscaping on a monthly basis and any dead or dying plants (plants that exhibit over 30% die-back) shall be replaced within ten days of the inspection. Trees shall not be severely pruned, topped or pollarded. Any trees that are pruned in this manner shall be replaced with a tree species selected by, and size determined by the City Landscape Architect, within the timeframe established by the City and pursuant to Municipal Code.

Engineering:

28. The project plan shall identify Best Management Practices (BMPs) appropriate to the uses conducted on-site in order to limit the entry of pollutants to the maximum extent practicable.
29. The proposed driveway flare shall be at least 5 feet away from the existing street tree (20 inches in diameter).
30. The existing driveway along "B" Street shall be removed and replaced with standard curb, gutter and sidewalk.
31. The existing curb and gutter along Second Street (42 feet +/-) that is lifted by the existing tree shall be removed and replaced.
32. All "No Parking" signs and street lights that interfere with the proposed improvements shall be relocated as directed by the City Traffic Engineer.
33. Any broken sidewalk along the property frontage that creates a tripping hazard shall be removed and replaced.
34. Area drains shall be installed in the parking area to avoid surface runoff from flowing across the sidewalk and/or driveway areas.
35. Show on the plan the proposed location of the sanitary sewer laterals and water services. The minimum separation between sanitary sewer lateral and water service shall be 6 feet. Each residential unit is required to have a separate sewer lateral and water meter.
36. An Encroachment Permit shall be required prior to the start of any work within the public right-of-way. Improvement plans shall be reviewed and approved by the City Engineer and all improvements shall be designed to conform to the City Standard Plans.

Fire Department:

37. The structure will be required to have an automatic fire sprinkler system installed throughout the building, including the parking garage, as per NFPA 13 and 24 Standards.
38. Buildings constructed without a known tenant shall have a fire sprinkler system installed having a minimum density of .33 gpm over the most remote 3,750 square feet, or, as required per NFPA 13 Standards;
39. A dedicated underground fire service line shall be installed per NFPA 24 Standards;
40. The fire sprinkler systems' Fire Department Connection (FDC) and Post Indicator Valve (PIV) shall be installed in a location approved by the Fire Department;
41. An interior fire sprinkler flow (audible) alarm device shall be installed within each tenant space (ground level) and within each residential unit (2nd floor);
42. An exterior fire sprinkler local alarm bell shall be installed on the fire sprinkler riser and shall be in a location approved by the Fire Department;

43. Interior single-station residential smoke detectors shall be installed within each residential unit as required by the California Building Code (CBC);
44. Central station monitoring shall be required for the fire sprinkler system;
45. Individual retail tenant spaces shall have a manual pull station installed within each tenant space in a location approved by the Fire Department;
46. Portable fire extinguishers shall be installed throughout the building (retail space, garages and common areas). Fire extinguishers shall be placed in centrally located areas as required by the Fire Department. Fire extinguishers shall have a minimum rating of 2A:10BC or other rating (as required by the Fire Code) specific to the tenant use;
47. Businesses which occupy the individual tenant spaces on the first floor shall obtain a City of Hayward Business License prior to occupying the space;
48. There shall be no use and/or storage of hazardous materials within any retail tenant space unless a review has been conducted by the Fire Department;
49. Tenant merchants who wish to conduct commercial cooking shall notify the Fire Department for review of and approval of cooking equipment and hood and duct fire extinguishing system(s);
50. Retail tenant spaces shall be restricted for their specific use (M occupancy or B occupancy). There shall be no hazardous operations (i.e., welding, flammable finishing, woodworking, etc.) allowed within the tenant spaces unless reviewed and approved by the Fire Department;
51. Building and tenant space addressing shall meet Fire Department standards;
52. Fire permits shall be obtained for the installation of any fire protection and life safety systems required for this development.

Solid Waste & Recycling:

53. A Construction and Demolition Debris Recycling Statement must be submitted with the building permit application.
54. A Construction and Demolition Debris Recycling Summary Report must be completed, including weigh tags, at the COMPLETION of the project.
55. This approval is subject to the requirements contained in the memo from the Solid Waste and Recycling Division of the Public Works Department dated 7/22/04.

Utilities:

56. A Reduced Pressure Backflow Prevention Assembly shall be installed as per City of Hayward Standard Detail 202 on all commercial, domestic and irrigation water meters.
57. Installation of separate water meters is recommended to avoid sewer charges for irrigation consumption and to avoid commercial sewer rates for the residential units.

58. Show Gallon Per Minute Demand on plans to determine proper meter sizes for commercial, residential and irrigation water use.
59. Show on plans the location of proposed water meters. Water meters are to be located two feet from top of driveway flare as per City of Hayward Standard Details 213 thru 218. Water meters to be located a minimum of six feet from sanitary sewer lateral as per State Health Code.
60. Each Condominium must have an individual water meter and sanitary sewer lateral.
61. Each Retail Space must have an individual water meter.
62. The developer shall install a grease control device to control fat, oil and grease discharge from any food service establishment, unless this requirement is expressly waived by the Director of Public Works or designee. The type, size, and location of the device shall be approved by the Director of Public Works.
63. Add following notes to plans:
 - (a) Provide keys/access code/automatic gate opener to utilities for all meters enclosed by a fence/gate as per Hayward Municipal Code 11-2.02.1.
 - (b) **Only Water Distribution Personnel** shall perform operation of valves on the Hayward Water System.
 - (c) Water and Sewer service available subject to standard conditions and fees in effect at time of application.

General:

64. Violation of these conditions or requirements may result in the City of Hayward instituting a revocation hearing before the Planning Commission.



**DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT
Development Review Services Division**

INITIAL STUDY CHECKLIST FORM

Project title: Site Plan Review No. PL-2004-0289-0648, Administrative Use Permit No. PL-2004-0290 & Variance No. PL-2004-0291 – Request to Construct a Mixed-Use Building with Ground-Floor Retail and Two Second-Floor Condominiums and Two Variances for a Parking Lot at 22645 Second Street. Sanjiv Bhandari for BKBC Architects, Inc. (Applicant), Dr. Dharam Salwan (Owner).

Lead agency name and address: City of Hayward, 777 "B" Street, Hayward, CA 94541-5007

Contact persons and phone numbers: Erik J. Pearson, Associate Planner (510) 583-4210

Project location: The property is located at 22605 2nd Street, at the corner of B Street and 22645 Second Street in Hayward, California.

Project sponsor's name and address:
Sanjiv Bhandari
BKBC Architects Inc
1371 Oakland Blvd., Suite 101
Walnut Creek, CA 94596-8493

General Plan: Retail and Office Commercial (ROC)

Zoning: Central City-Commercial (CC-C)

Description of project: Proposal to construct a mixed-use building with 2,100 square feet of retail space on the ground floor and 2 residential condominiums on the second floor. Two tandem two-car garages at ground level will be included in the building. Two variances are requested to for the parking lot at 22645 Second Street to allow a driveway within a 5-foot rear yard setback and parking spaces substandard in depth.

Surrounding land uses and setting: On the northwest and northeast corners are commercial buildings with retail and office uses. On the southeast corner is an apartment building. Adjacent to the site to the west is the First United Methodist Church and to the south is a single-family residential property.

Other public agencies whose approval is required: None.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- | | | |
|--|---|---|
| <input checked="" type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture Resources | <input checked="" type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology / Soils |
| <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Hydrology / Water Quality | <input type="checkbox"/> Land Use / Planning |
| <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Noise | <input type="checkbox"/> Population / Housing |
| <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation | <input type="checkbox"/> Transportation/Traffic |
| <input type="checkbox"/> Utilities / Service Systems | <input type="checkbox"/> Mandatory Findings of Significance | |

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

- ☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature

Erik J. Pearson, AICP Associate Planner

August 9, 2004
Date

City of Hayward

ENVIRONMENTAL ISSUES:

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
I. AESTHETICS -- Would the project:				
a) Have a substantial adverse effect on a scenic vista? <i>Comment: The project will not affect any scenic vista.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? <i>Comment: The project will not damage scenic resources.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings? <i>Comment: The project will not substantially degrade the existing visual character or quality of the site and its surroundings.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? <i>Comment: Specific lighting plans have not yet been reviewed.</i> <i>Mitigation: A lighting plan will be required to show that light fixtures will only illuminate the site and not the sky above it or surrounding properties.</i> <i>Implementation of this mitigation measure will reduce light and glare impacts to a level of insignificance</i> <i>Monitoring: Condition of Approval</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
II. AGRICULTURE RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? <i>Comment: The project site does not contain farmland.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? <i>Comment: The project is not located in an agricultural district nor an area used for agricultural purposes.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- | | Potentially
Significant
Impact | Potentially
Significant
Unless
Mitigation
Incorporation | Less Than
Significant
Impact | No
Impact |
|---|--------------------------------------|---|------------------------------------|-------------------------------------|
| c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Comment: The project area does not contain agricultural uses or farmland, See II b.

III. AIR QUALITY -- Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

- | | | | | |
|--|--------------------------|-------------------------------------|--------------------------|-------------------------------------|
| a) Conflict with or obstruct implementation of the applicable air quality plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Comments: The Bay Area air basin currently exceeds both federal and state standards for ozone and state standards for particulate matter <10 microns in diameter (PM10). The project is of a relatively small scale and is not expected to generate enough vehicle trips to make a significant contribution to the existing air quality violation.

Impacts: Air pollutants, especially suspended particulates, would be generated intermittently during the construction period. This is a potentially significant impact.

Mitigation Measure: In order to reduce intermittent air pollutants during the construction phase, the developer shall ensure that unpaved construction areas are sprinkled with water as necessary to reduce dust generation, construction equipment is maintained and operated in such a way as to minimize exhaust emissions, and if construction activity is postponed, graded or vacant land is immediately revegetated.

Implementation of this mitigation measure will reduce air quality impacts to a level of insignificance.

Monitoring: Condition of Approval

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|

Comment: Due to the small scale of the project, impacts to air quality will not be cumulatively considerable.

- | | Potentially
Significant
Impact | Potentially
Significant
Unless
Mitigation
Incorporation | Less Than
Significant
Impact | No
Impact |
|---|--------------------------------------|---|------------------------------------|-------------------------------------|
| d) Expose sensitive receptors to substantial pollutant concentrations?
<i>Comment: The project will not expose sensitive receptors to substantial pollutant concentrations.</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Create objectionable odors affecting a substantial number of people?
<i>Comment: The project will not create objectionable odors affecting a substantial number of people.</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

IV. BIOLOGICAL RESOURCES -- Would the project:

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?
<i>Comment: The property is vacant and surrounded by urban uses. There is no evidence of any candidate, sensitive, or special status species.</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?
<i>Comment: The site contains no riparian or sensitive habitat.</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?
<i>Comment: The site contains no wetlands.</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?
<i>Comment: The site does not contain habitat used by migratory fish or wildlife nor is it a migratory wildlife corridor.</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?
<i>Comment: The project is in conformance with the General Policies Plan and will conform to the requirements of the Tree Preservation Ordinance.</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan?
<i>Comment: There are no habitat conservation plans affecting the property.</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
--------------------------------------	---	------------------------------------	--------------

V. CULTURAL RESOURCES -- Would the project:

- a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

Comment: No known historical resources exist on-site.

- b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	-------------------------------------	--------------------------

Comment: No known archaeological resources exist in on-site.

Impacts: If previously unknown resources are encountered during future grading activities, the developer and the City of Hayward will take appropriate measures.

- c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

Comment: No known paleontological resources exist on-site.

- d) Disturb any human remains, including those interred outside of formal cemeteries?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	-------------------------------------	--------------------------

Comments: No known human remains are located on-site.

Impacts: If any remains are found, all work will be stopped and police called to investigate.

VI. GEOLOGY AND SOILS -- Would the project:

- a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:

- i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

Comment: The project is not located within the Hayward Fault Zone.

- ii) Strong seismic ground shaking?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	-------------------------------------	--------------------------

Comment: The site is not located within a "State of California Earthquake Fault Zone". The project will be required to comply with the Uniform Building Code Standards to minimize seismic risk due to ground shaking.

Impacts: Ground shaking can be expected at the site during a moderate to severe earthquake, which is common to virtually all development in the general region. This impact is considered less than significant.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
iii) Seismic-related ground failure, including liquefaction? <i>Comment: Liquefaction and differential compaction is not considered to be likely on this site.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Landslides? <i>Comment: The project is not located within an area subject to landslides.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil? <i>Comment: The Engineering Division will ensure that proper erosion control measures are implemented during construction.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? <i>Comment: See comment VI (a)(i).</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? <i>Comment: Prior to issuance of a building permit, engineering and building staff will review a soils investigation report to ensure that the building foundations are adequately designed for the soil type on-site.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater? <i>Comment: The site would be connected to the City of Hayward sewer system.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

VII. HAZARDS AND HAZARDOUS MATERIALS - Would the project:

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? <i>Comment: There is no evidence of hazardous materials at the site nor will hazardous materials be used or transported at or near the site.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? <i>Comment: See VII a.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? <i>Comment: See VII a.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? <i>Comment: See VII a.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? <i>Comment: The project is not located within an airport zone.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? <i>Comment: See VII e.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? <i>Comment: The project will not interfere with any known emergency response plan or emergency evacuation plan. The Hayward Fire Department serves the area. Emergency response times will be maintained.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? <i>Comment: The project is not located in an area of wildlands and is not adjacent to wildlands.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

VIII. HYDROLOGY AND WATER QUALITY -- Would the project:

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Violate any water quality standards or waste discharge requirements?
<i>Comment: The project will meet all water quality standards. Drainage improvements will be made to accommodate runoff.</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>Comment:</u> <i>The site will be served with water by the City of Hayward. Therefore, water quality standards will not be violated and groundwater supplies will not be depleted. Recharge of the groundwater table will be decreased as the proposal involves increasing the percentage of the site covered with impervious surfaces. This impact is deemed insignificant as there are no known wells nearby that would see a drop in production.</i>				
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<u>Comment:</u> <i>The project is not located near a stream or a river. Development of the site will not result in substantial erosion or siltation on-or off-site.</i>				
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<u>Comment:</u> <i>The project is within an urban area and runoff will leave the site via the City's storm drain system. Drainage patterns on the site will not cause flooding.</i>				
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<u>Comment:</u> <i>The amount of run-off from the project will not exceed the capacity of the stormwater drainage system. See VIII a.</i>				
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<u>Comment:</u> <i>See VIII a.</i>				
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<u>Comment:</u> <i>According to FEMA Flood Insurance Rate Maps (panel # 065033-0003E dated 2/9/00), this site is not within the 100-year flood hazard area.</i>				
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<u>Comment:</u> <i>See VIII g.</i>				

- | | Potentially
Significant
Impact | Potentially
Significant
Unless
Mitigation
Incorporation | Less Than
Significant
Impact | No
Impact |
|--|--------------------------------------|---|------------------------------------|-------------------------------------|
| i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <u>Comment:</u> The site is not within the 100-year flood zone, is not near any levees and is not located downstream of a dam. | | | | |
| j) Inundation by seiche, tsunami, or mudflow? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <u>Comment:</u> The project is not in a location that would allow these phenomena to affect the site. | | | | |

IX. LAND USE AND PLANNING - Would the project:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Physically divide an established community? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <u>Comment:</u> The project will not physically divide the existing community. The small site is currently vacant and is surrounded by urban uses. | | | | |
| b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <u>Comment:</u> The area is designated on the General Policies Plan Map as Retail and Office Commercial (ROC). The ROC designation and the current zoning designation of Central City Commercial (CC-C) both allow retail and residential uses. | | | | |
| c) Conflict with any applicable habitat conservation plan or natural community conservation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <u>Comment:</u> See IV f. | | | | |

X. MINERAL RESOURCES – Would the project:

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <u>Comment:</u> The project will not result in a significant impact to mineral resources since the subject site is located in an urbanized area that does not contain mineral resources that could be feasibly removed. | | | | |
| b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <u>Comment:</u> See X a. | | | | |

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
XI. NOISE - Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i>Comment: Exposure of persons to or generation of any new noise or noise levels in excess of standards established in the Noise Element of the Hayward General Plan or the Municipal Code, or applicable standards of other agencies if any, will be temporary in nature during the construction of the building and associated improvements. All City noise standards are required to be met and maintained upon completion of construction. Grading and construction will be limited to the hours between 7:00 a.m. and 7:00 p.m. Monday through Saturday. No work will be done on Sundays or national holidays.</i>				
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i>Comment: See XI a.</i>				
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i>Comment: See XI a</i>				
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Comment: See XI a</i>				
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i>Comment: See VII e.</i>				
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i>Comment: See VII e.</i>				
XII. POPULATION AND HOUSING -- Would the project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i>Comment: Three residential condominiums are proposed. The increase in population will not be substantial.</i>				
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i>Comment: No housing will be removed.</i>				

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comment: See XII b.

XIII. PUBLIC SERVICES

Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

a) Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
---------------------	--------------------------	--------------------------	--------------------------	-------------------------------------

Comment: The proposed project would have no effect upon, or result in only a minimal need for new or altered government services in fire and police protection, schools, maintenance of public facilities, including roads, and in other government services.

b) Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
-----------------------	--------------------------	--------------------------	--------------------------	-------------------------------------

Comment: See XIII a.

c) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
-------------	--------------------------	--------------------------	--------------------------	-------------------------------------

Comment: See XIII a.

d) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
-----------	--------------------------	--------------------------	--------------------------	-------------------------------------

Comment: See XIII a.

e) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
-----------------------------	--------------------------	--------------------------	--------------------------	-------------------------------------

Comment: No other public facilities will be significantly impacted.

XIV. RECREATION --

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--	--------------------------	--------------------------	--------------------------	-------------------------------------

Comment: The project will not add enough people to cause substantial physical deterioration of recreational facilities in the area. The developer will be required to pay in-lieu park fees which will help maintain existing parks.

b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
---	--------------------------	--------------------------	--------------------------	-------------------------------------

Comment: The proposal includes a group open space, however it will not cause an adverse physical effect on the environment.

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
--------------------------------------	---	------------------------------------	--------------

XV. TRANSPORTATION/TRAFFIC -- Would the project:

- a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	-------------------------------------	--------------------------

Comment: *The project will add minimal traffic. Residents, guests, customers and employees have the opportunity to use mass transit to access the project site.*

- b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

Comment: *See XV a.*

- c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

Comment: *The project will not affect air traffic patterns.*

- d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

Comment: *The proposal will not substantially increase hazards.*

- e) Result in inadequate emergency access?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

Comment: *The Hayward Fire Department has reviewed the project and finds the project acceptable to Hayward Fire Department requirements and standards.*

- f) Result in inadequate parking capacity?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

Comment: *The proposal will meet the requirements for parking as specified in the City's Off-Street Parking regulations. Three of the required parking spaces will be located at 22645 Second Street.*

- g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

Comment: *The project does not conflict with adopted policies supporting alternative transportation.*

XVI. UTILITIES AND SERVICE SYSTEMS - Would the project:

- a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

Comment: *The project will not exceed wastewater treatment requirements.*

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? <i>Comment: The City's existing wastewater treatment facilities are capable of handling the wastewater generated by the project.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? <i>Comment: The project will require the construction of a small storm water drainage system that will tie into the existing public system in the adjacent street right-of-way. The construction of this system will not cause any significant environmental effects.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? <i>Comment: The City of Hayward supplies water to the site and has sufficient water to serve the project.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? <i>Comment: The City of Hayward operates its own wastewater facility. This facility has the capacity to accommodate the amount of wastewater that will be generated by the project.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? <i>Comment: Waste Management of Alameda County will dispose the solid waste. The Altamont landfill is available to the City of Hayward until 2009 and has sufficient capacity to handle the amount of solid waste generated by the project. The landfill recently received an approval that increases the capacity and adds 25 years to the life of the landfill to the year 2034.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste? <i>Comment: The project study area participates in the Waste Management of Alameda County recycling program. Construction and operation of the project will comply with all federal, state and local statutes and regulations related to solid waste.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
---	--	---	----------------------

XVII. MANDATORY FINDINGS OF SIGNIFICANCE --

- a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?
- b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?
- c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>



CITY OF HAYWARD MITIGATED NEGATIVE DECLARATION

Notice is hereby given that the City of Hayward finds that could not have a significant effect on the environment as prescribed by the California Environmental Quality Act of 1970, as amended will occur for the following proposed project:

I. PROJECT DESCRIPTION:

Site Plan Review No. PL-2004-0289-0648, Administrative Use Permit No. PL-2004-0290 & Variance No. PL-2004-0291 – Request to Construct a Mixed-Use Building with Ground-Floor Retail and Two Second-Floor Condominiums and Two Variances for a Parking Lot at 22645 Second Street. Sanjiv Bhandari for BKBC Architects, Inc. (Applicant), Dr. Dharam Salwan (Owner). The property is located at 22605 2nd Street, at the corner of B Street and 22645 Second Street in Hayward, California.

II. FINDING PROJECT WILL NOT SIGNIFICANTLY AFFECT ENVIRONMENT:

The proposed project could not have a significant effect on the environment.

FINDINGS SUPPORTING DECLARATION:

1. The proposed project has been reviewed according to the standards and requirements of the California Environmental Quality Act (CEQA) and an Initial Study Environmental Evaluation Checklist has been prepared for the proposed project. The Initial Study has determined that the proposed project, with the recommended mitigation measures, could not result in significant effects on the environment.
2. The project will not adversely affect any scenic resources.
3. The project will not have an adverse effect on agricultural land since the property is surrounded by urban uses and it is too small to be used for agriculture.
4. The project will not result in significant impacts related to changes into air quality. When the property is developed the City will require the developer to submit a construction Best Management Practice (BMP) program prior to the issuance of any grading or building permit.
5. The project will not result in significant impacts to biological resources such as wildlife and wetlands since the site contains no such habitat and it is surrounded by urban uses.
6. The project will not result in significant impacts to known cultural resources including historical resources, archaeological resources, paleontological resources, unique topography or disturb human remains.

7. The project site is not located within a "State of California Earthquake Fault Zone", however, construction will be required to comply with the Uniform Building Code standards to minimize seismic risk due to ground shaking.
8. The project will not lead to the exposure of people to hazardous materials.
9. The project will meet all water quality standards. Drainage improvements will be made to accommodate storm water runoff.
10. The project is consistent with the policies of the City General Policies Plan, the Downtown Design Plan, the City of Hayward Design Guidelines and the Zoning Ordinance.
11. The project could not result in a significant impact to mineral resources since the site is too small to be developed to extract mineral resources.
12. The project will not have a significant noise impact.
13. The project will not result in a significant impact to public services.
14. The project will not result in significant impacts to traffic or result in changes to traffic patterns or emergency vehicle access.

I. ***PERSON WHO PREPARED INITIAL STUDY:***



Erik J. Pearson, AICP Associate Planner

Dated: August 9, 2004

II. ***COPY OF INITIAL STUDY IS ATTACHED***

For additional information, please contact the City of Hayward, Planning Division, 777 B Street, Hayward, CA 94541-5007, telephone (510) 583-4210, or e-mail erik.pearson@hayward-ca.gov.

DISTRIBUTION/POSTING

- Provide copies to all organizations and individuals requesting it in writing.
- Provide copy to Alameda County Clerks office.
- Reference in all public hearing notices to be distributed 20 days in advance of initial public hearing and/or published once in Daily Review 20 days prior to hearing.
- Project file.
- Post immediately upon receipt at the City Clerk's Office, the Main City Hall bulletin board, and in all City library branches, and do not remove until the date after the public hearing.

MITIGATION MONITORING PROGRAM

**Site Site Plan Review No. PL-2004-0289-0648,
Administrative Use Permit No. PL-2004-0290 & Variance No. PL-2004-0291
Sanjiv Bhandari for BKBC Architects, Inc. (Applicant)
Dr. Dharam Salwan (Owner).**

22605 & 22645 2nd Street

1. AESTHETICS

Mitigation Measure: A lighting plan will be required to show that light fixtures will only illuminate the site and not the sky above it or surrounding properties.

Implementation Responsibility: Applicant

Verification Responsibility: Planning Division

Monitoring Schedule during Plan Review: Prior to issuance of building permits.

Monitoring Schedule during Construction/Implementation: Building Inspector will ensure that lights are installed per approved plan.

2. AGRICULTURE RESOURCES– No mitigation required

3. AIR QUALITY

Mitigation Measure: In order to reduce intermittent air pollutants during the construction phase, the developer shall ensure that unpaved construction areas are sprinkled with water as necessary to reduce dust generation, construction equipment is maintained and operated in such a way as to minimize exhaust emissions, and if construction activity is postponed, graded or vacant land is immediately revegetated.

Implementation Responsibility: Applicant

Verification Responsibility: Construction Inspector

Monitoring Schedule during Plan Review: Prior to issuance of a grading permit.

Monitoring Schedule during Construction/Implementation: Construction Inspector will ensure that sprinkling is done as necessary to minimize dust.

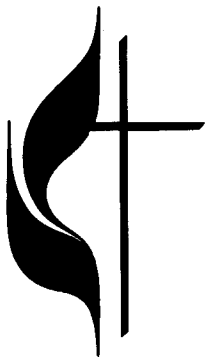
4. BIOLOGICAL RESOURCES– No mitigation required

5. CULTURAL RESOURCES – No mitigation required

6. GEOLOGY AND SOILS– No mitigation required

7. HAZARDS AND HAZARDOUS MATERIALS– No mitigation required

- 8. HYDROLOGY AND WATER QUALITY– No mitigation required**
- 9. LAND USE & PLANNING– No mitigation required**
- 10. MINERAL RESOURCES– No mitigation required**
- 11. NOISE– No mitigation required**
- 12. POPULATION & HOUSING – No mitigation required**
- 13. PUBLIC SERVICES– No mitigation required**
- 14. RECREATION– No mitigation required**
- 15. TRANSPORTATION/TRAFFIC– No mitigation required**
- 16. UTILITIES AND SERVICE SYSTEMS– No mitigation required**



First United Methodist Church

1183 B STREET • HAYWARD, CALIFORNIA 94541

TELEPHONE (510) 581-2266

June 8, 2004

Erik J. Pearson, AICP
Associate Planner
Planning Division
City of Hayward
777 "B" Street
Hayward, CA 94541-5007

Dear Mr. Pearson:

On behalf of First United Methodist Church, I am registering our continued objection to the building proposal by Salwan Property Management for "mixed-use" at 22603 – 2nd Street.

Any building on this site will mean that many of our ministries will be seriously hampered or impossible to continue. We have been in ministry, serving the needs of the people of Hayward and the cause of Christ since 1853. We have been in our current location since 1866. We believe that our ministries are of benefit to the entire community of Hayward, and their disruption would have a detrimental effect on the city as a whole.

While we appreciate that some of the concerns we have raised over the past three (3) years have been addressed, we still have certain objections to the specific plans, which we have reviewed. These include:

1. The current plans still do not address the issue of access to our back gate. We use this gate on a very regular basis and there is no other access for vehicles to enter the rear of our property.
2. The lighted signage located on the northeast corner of our building would have to be relocated. Any change in the signage would come at a financial cost to the church and would decrease our visibility to the community.

RECEIVED

2004

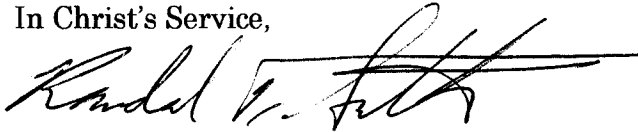
ATTACHMENT F

THE CHURCH OF MANY FACES, ONE FAMILY, STRIVING TO DRAW NEARER TO GOD PLANNING DIVISION

3. We are grateful that Phase I and Phase II environmental studies were carried out and we support the recommendation that the underground tanks and potentially harmful materials be removed prior to any construction on the site. We require assurances that any such removal would be done in a safe manner that would not impair the health of our members.
4. Adequate parking remains a serious issue. While studies conducted by the City may show that there is available parking in the area on a normal weekday, our experience has been that parking for special events, such as last year's 150th Anniversary Celebration, is severely inadequate without the space provided by the current lot.

I look forward to our further conversations on this matter and an opportunity to address the Planning Commission with these concerns.

In Christ's Service,

A handwritten signature in black ink, appearing to read "Randal F. Smith", with a long horizontal flourish extending to the right.

Rev. Randal F. Smith
Pastor

RFS:nh-c

RECEIVED

JUN 07 2004

PLANNING DIVISION

Lupe Compean
936 Harriet Avenue
Campbell, CA 95008
408-828-4085
408-370-3110 fax

June 4, 2004

City of Hayward
Planning Division
777 B Street
Hayward, CA 94541-5007

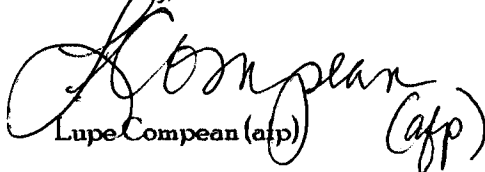
Dear Planning Department,

Thank you for the opportunity to submit my opinion for the construction of the mixed use building located at 22605 Second Street.

I still have apprehension regarding my original concern of adequate parking. I am unfamiliar with how close in proximity the satellite parking area is to the proposed building. If the building and parking area are too far apart, will alternative parking be sought by customers and tenants closer to their destination? The building itself has no significant impact on my building, but the parking proposal is very important to me. I would like to see a plot layout or information sent to me showing the relationship between building and parking before I file my formal opinion in this matter. I can receive a fax at 408-370-3110 c/o Lupe Compean.

I appreciate your prompt response in this matter and look forward to the forthcoming information.

Sincerely,


Lupe Compean (atp) (aff)

attachment
file

RECEIVED
DEC 02 2002
TELEPHONE (510) 945-4111

United Methodist

P.1

LUPE COMPEAN
936 HARRIET AVENUE
CAMPBELL, CALIFORNIA 95008
408.828.4085

COPY

January 7, 2003

Richard E. Patenaude, AICP
City of Hayward
777 B Street
Hayward, CA 94541-5007

Dear Mr. Patenaude,

Thank you for meeting with John Crockett and I last week regarding my property on 2nd Street. I understand that you have given the right to the property owners of 22529 2nd Street to pay a fee of \$46,000.00 in lieu of adequate on site parking for the office building currently under construction. Prior to the development of 22529 2nd Street, the building adjacent at 22521 2nd Street used the lot as their parking site. The development of the property has left the existing property with inadequate parking facilities. The proposed building located at 22605 2nd Street is also slated to have parking requirements waived for the fee. The shortages of parking are compensated with the required public parking within 500 feet but the lure of free parking right next door [to the above mentioned properties] is too hard to resist for most people. No one will park a block or two away from their destination when there is parking right next door. The average visitor parks in my parking lot, even with the posted "restricted parking" signs. The added impact of vehicles in my lot will have a negative effect on my tenants as well as my ability to rent my property in the future.

It would be nearly impossible to monitor the parking activity without hiring a private security company to verify the intentions of each car entering my property. This type of monitoring would have serious financial implications and is not an acceptable solution to the current situation.

Had I received notification that the City of Hayward was considering such a plan I would have vigorously fought the proposal to eliminate the parking. It is unfair that these building owners take advantage of my property for their economic gain. They have nothing to lose after their fee is paid. I on the other hand stand to incur ongoing losses associated with inadequate facilities and in some cases breach leases that set forth promises of available parking spaces.

City of Hayward

From: Lupe Compean
2nd Street Plaza

COPY

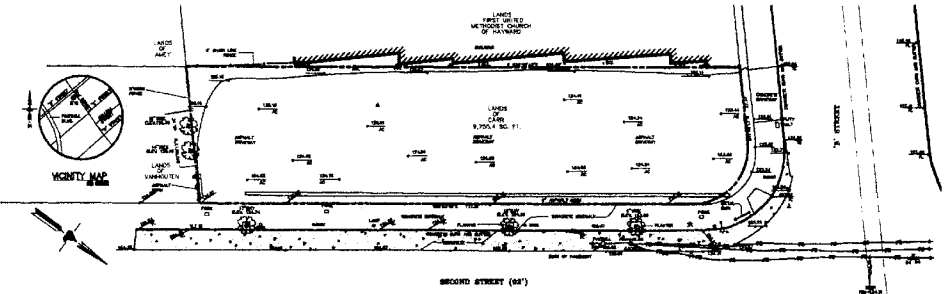
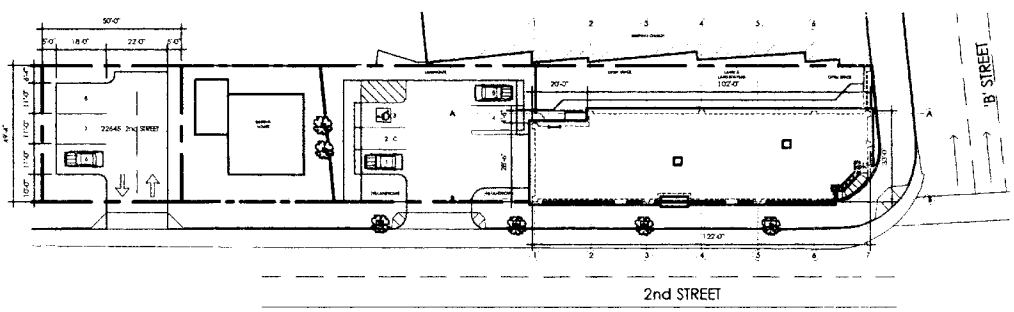
The survey done on parking in the area is for current tenants and businesses in the area. When tenants move in or out of the building or businesses expand the private parking lots will be impacted. The existing buildings should NOT be burdened with parking for a new building.

The in-lieu fees will not be used to enhance the protection of existing parking or add patrol to protect the parking of current building owners in the area.

The proposed building should be limited in size to comply with the existing codes and provide adequate parking for it's potential tenants and residents.

**DUE TO THE LENGTH OR COLOR
OF THE REFERENCED EXHIBIT,
IT HAS BEEN ATTACHED AS A
SEPARATE LINK.**

ALL IDEAS, DESIGN, ARRANGEMENTS AND PLANS INDICATED OR REPRESENTED BY THIS DRAWING ARE OWNED BY, AND THE PROPERTY OF BKBC ARCHITECTS INC., AND WERE CREATED, DEVISED AND DEVELOPED FOR USE ON, AND IN CONNECTION WITH THIS PROJECT. NONE OF SUCH IDEAS, DESIGN, ARRANGEMENTS, OR PLANS SHALL BE USED BY, OR DISCLOSED TO, ANY PERSON, FIRM, OR CORPORATION FOR ANY PURPOSE WHATSOEVER WITHOUT THE WRITTEN PERMISSION OF BKBC ARCHITECTS INC. FILING THESE DRAWINGS OR SPECIFICATIONS WITH ANY PUBLIC AGENCY IS NOT A PUBLICATION OF SAME. NO COPYING, REPRODUCTION OR USE THEREOF IS PERMISSIBLE WITHOUT THE CONSENT OF BKBC ARCHITECTS INC.

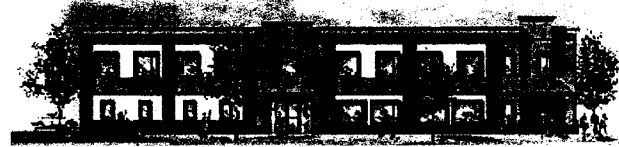
PROJECT DIRECTORY		PROJECT DATA													
OWNER DR. DHARAM SALWAN 1151 'A' STREET HAYWARD, CALIFORNIA 94541 PHONE: (510) 886-8546 FAX: (510) 886-8543		TOTAL LOT AREA 9,755.4 SF													
ARCHITECT BKBC ARCHITECTS INC. 1371 OAKLAND BLVD, SUITE 101 WALNUT CREEK, CA 94596 CONTACT: DEEPAK PATANKAR PHONE: (925) 930-9900 FAX: (925) 930-9909 WWW.BKBCARCH.COM DPP@BKBCARCH.COM		CONSTRUCTION TYPE TYPE V NON RATED													
SURVEYOR & CIVIL ENGINEERING LEA & SUNG ENGINEERING INC. 2495 INDUSTRIAL PARKWAY WEST HAYWARD, CA 94545 CONTACT: JIM TOBY PHONE: (510) 887-4086 FAX: (510) 887-3019 CITY OF HAYWARD CITY OF HAYWARD DEPT. OF COMM. & ECON. DVLP. 777 B STREET HAYWARD, CA 94541 PHONE: (510) 583-4140 FAX: (510) 583-3642		BUILDING AREA <table border="1"><thead><tr><th>UNITS</th><th>RETAIL</th><th>TOTAL</th></tr></thead><tbody><tr><td>LOWER LEVEL</td><td>1,260 SF*</td><td>2,100 SF</td></tr><tr><td>UPPER LEVEL</td><td>3,270 SF</td><td>0 SF</td></tr><tr><td>TOTAL</td><td>4,530 SF</td><td>2,100 SF</td></tr></tbody></table> GARAGE HABITABLE (excl. balcony) UNIT ONE 480 + 1,640 SF = 2,120 SF on 2 levels UNIT TWO 520 + 1,630 SF = 2,150 SF on 2 levels * LOWER LEVEL AREA FOR UNITS INCLUDES 1,000 SF OF GARAGE AREA AND 280 SF FOR THE STAIRS TO UNITS ABOVE LOT COVERAGE 3,360 SF (Bldg. footprint) + 8,755 SF (Lot area) = 34 % PARKING PROVIDED RESIDENTIAL - 4 SPACES (2 TWO-CAR GARAGES, ONE GARAGE PER UNIT) RETAIL - 8 SPACES (2 SPACES AT 22645 2nd STREET) PRIVATE OPEN SPACE REQUIRED PER UNIT = 60 SF PROVIDED UNIT 1 = 64 SF UNIT 2 = 64 SF GROUP OPEN SPACE REQUIRED @ 100 SF/UNIT = 300 SF PROVIDED = 2,067 SF		UNITS	RETAIL	TOTAL	LOWER LEVEL	1,260 SF*	2,100 SF	UPPER LEVEL	3,270 SF	0 SF	TOTAL	4,530 SF	2,100 SF
UNITS	RETAIL	TOTAL													
LOWER LEVEL	1,260 SF*	2,100 SF													
UPPER LEVEL	3,270 SF	0 SF													
TOTAL	4,530 SF	2,100 SF													
		REFUSE REQUIREMENTS CONTAINER CAPACITIES AND DIMENSIONS UNITS PROVIDE STANDARD SERVICE FOR SINGLE FAMILY DWELLINGS IN THE GARAGE SPACE. REFUSE: ONE 32 GALLON CART RECYCLING, TWO 18 GALLON BINS RETAIL AREA # OF EMPLOYEES X GAL. OF REFUSE GENERATED PER EMPLOYEE PER WEEK = MINIMUM COMMERCIAL DUMPSTER SIZE THE REQUIRED CAPACITY = 4 X 25 = 100 GAL. APPROX. PROVIDED: ONE 96 GALLON CONTAINER WHICH IS 36"X28"X46" (L X W X H) FOR RECYCLABLES PROVIDE TWO 64 GAL. CAPACITY CONTAINERS. THESE CONTAINERS ARE TO BE PROVIDED IN A SEPARATE AREA AS INDICATED ON THE SITE PLAN.													
SURVEY		SCALE: 1"=20'													
															
ROOF PLAN		SCALE: 1"=20'													
															

B STREET MIXED USE HAYWARD, CALIFORNIA DESIGN SET

SHEET INDEX

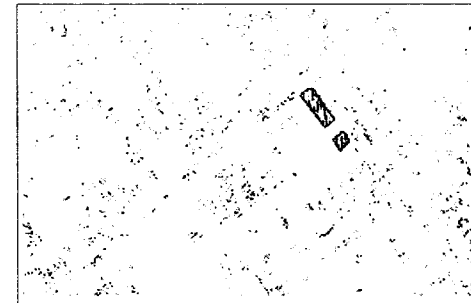
- | | |
|-----|-----------------------|
| A.1 | ROOF PLAN/COVER SHEET |
| A.2 | PLANS |
| A.3 | ELEVATIONS |
| A.4 | RENDERINGS (11x17) |
| A.5 | RENDERINGS (11x17) |

RENDERING



PARCEL MAP

APN: 427-11-25



BKBC ARCHITECTS INC
1371 OAKLAND BOULEVARD SUITE 101
WALNUT CREEK, CALIFORNIA 94596-9693
www.bkbcarch.com
PHONE: (925) 930 9700 FAX: (925) 930 9989

B STREET MIXED USE
22805 SECOND STREET, HAYWARD, CA
22805 SECOND STREET, HAYWARD CA T. 510.886.8546

SEAL



ISSUE:

DATE: _____
PROJECT NUMBER: _____
D-01-01
CHECKED BY: _____
DATE: JULY 16, 2004
TWO
AS NOTED
YES
COVER SHEET

REVISIONS:

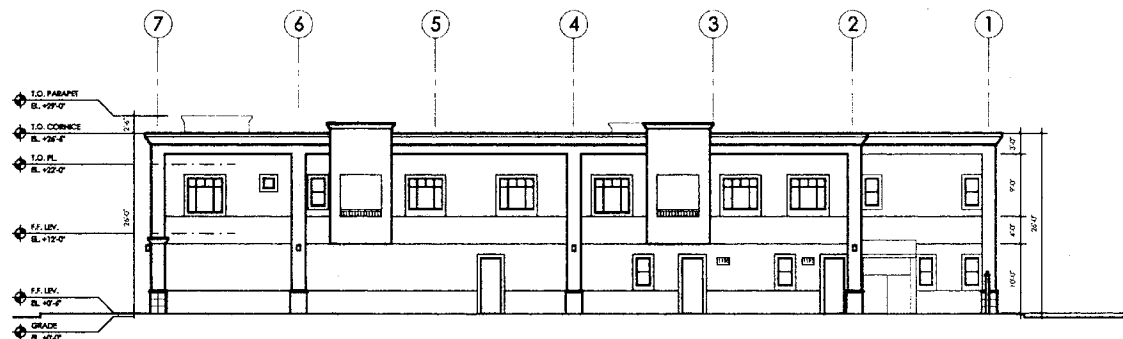
A.1

2ND LEVEL PLAN
1/8"=1'-0"

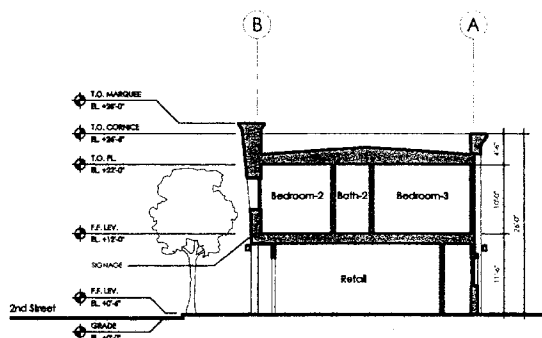
GRADE LEVEL PLAN
1/8"=1'-0"

A.2

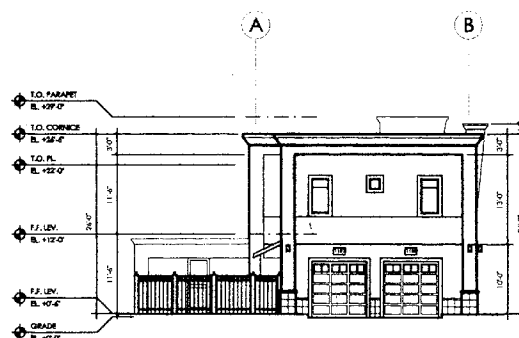
1
A.3



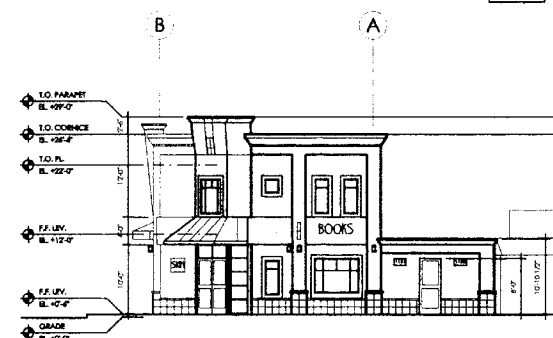
2
A.3



5
A.3



4
A.3

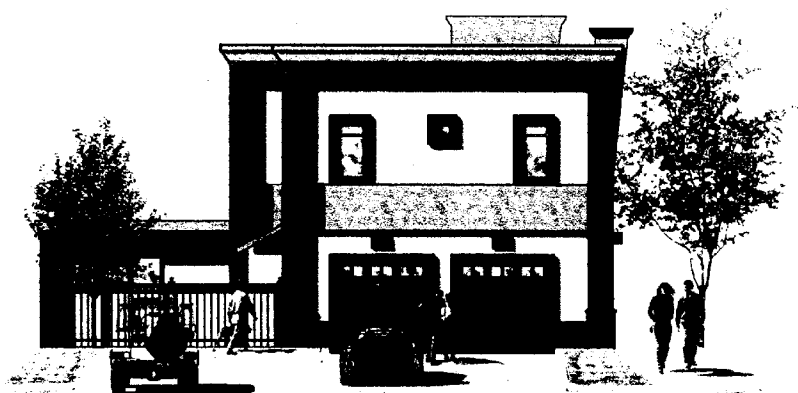


3
A.3

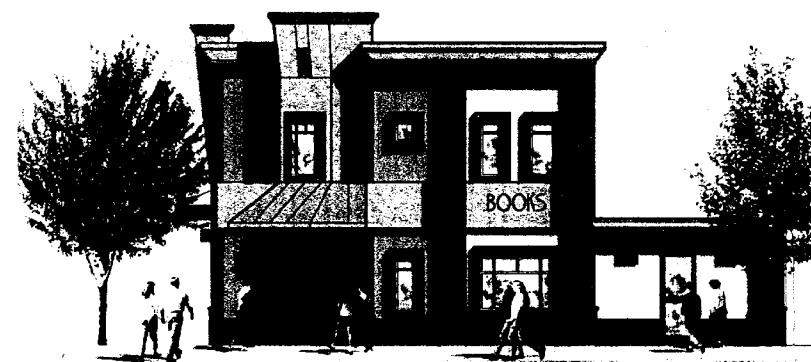
A.3



NORTHEAST ELEVATION



SOUTHEAST ELEVATION



NORTHWEST ELEVATION

ARCHITECTS

BKBC ARCHITECTS INC.

1371 OAKLAND BLVD., SUITE 101
WALNUT CREEK, CA 94596

TEL. 925.930.9700 FAX 925.930.9989

OWNER

DR. DHARAM SALWAN

22505 SECOND STREET, HAYWARD CA

T. 510.886.8546

PROJECT

B STREET MIXED-USE

22605 SECOND STREET, HAYWARD, CA

ELEVATIONS

DATE: 07.16.2004

SCALE: 3/32"=1'-0"

DRAW. NO. **A.4**



'B' STREET ELEVATION

ARCHITECTS

BKBC ARCHITECTS INC.

1371 OAKLAND BLVD. SUITE 101
WALNUT CREEK, CA 94596

TEL: 925.930.9700 FAX: 925.930.9989

OWNER

DR. DHARAM SALWAN

22505 SECOND STREET, HAYWARD CA

T: 510.886.8546

PROJECT

B STREET MIXED-USE

22605 SECOND STREET, HAYWARD, CA

SUPERIMPOSED ELEVATION

DATE: 07.16.2004

SCALE: N.T.S.

DRAW. NO: **A.5**